



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-77

Date: November 2, 2004

Application No. 2003-00950

Expiration: December 2, 2004

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
THE STATE OF TENNESSEE

SUBJECT: Proposed Rock-Fill Recreational Fishing Berms at Fort Patrick Henry Dam Recreation Area

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the state of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: **Tennessee Valley Authority**
Facilities Management
Attn: Mr. James Mach
2611 Andrew Johnson Highway
Morristown, Tennessee 37814

LOCATION: South Fork Holston River Mile 8.2R, Fort Patrick Henry Dam Recreation Area, Fort Patrick Henry Lake, Sullivan County, Tennessee lat: N36-29-57; lon: W82-30-27, Sullivan Gardens, TN Quadrangle

DESCRIPTION: The applicant proposes to construct two recreational fishing berms to provide the public improved access to the lake. These structures would be an addition to the existing park facilities located above the dam. The work would involve clean quarry-run rock fill to construct the fishing berms as follows:

a. Fishing Berm #1: Approximately 243 cubic yards (cy) of rock material would be required to construct a berm parallel to the shoreline measuring 8' wide x 200' long x 3' deep. The berm would be 1' above normal summer pool (nsp) elevation 1262. Approximately 164 cy would be placed below nsp. The berm would be faced with various-sized stone on a 2:1 slope.

b. Fishing Berm #2: Approximately 90 cy of rock material would be required to construct a T-shaped berm perpendicular to the first berm measuring 8' wide x 40' long x 3' deep. The berm would be 1' above normal summer pool (nsp) elevation 1262. Approximately 58 cy would be placed below nsp. The berm would be faced with various-sized stone on a 2:1 slope.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments may be used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments may also be used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

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Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

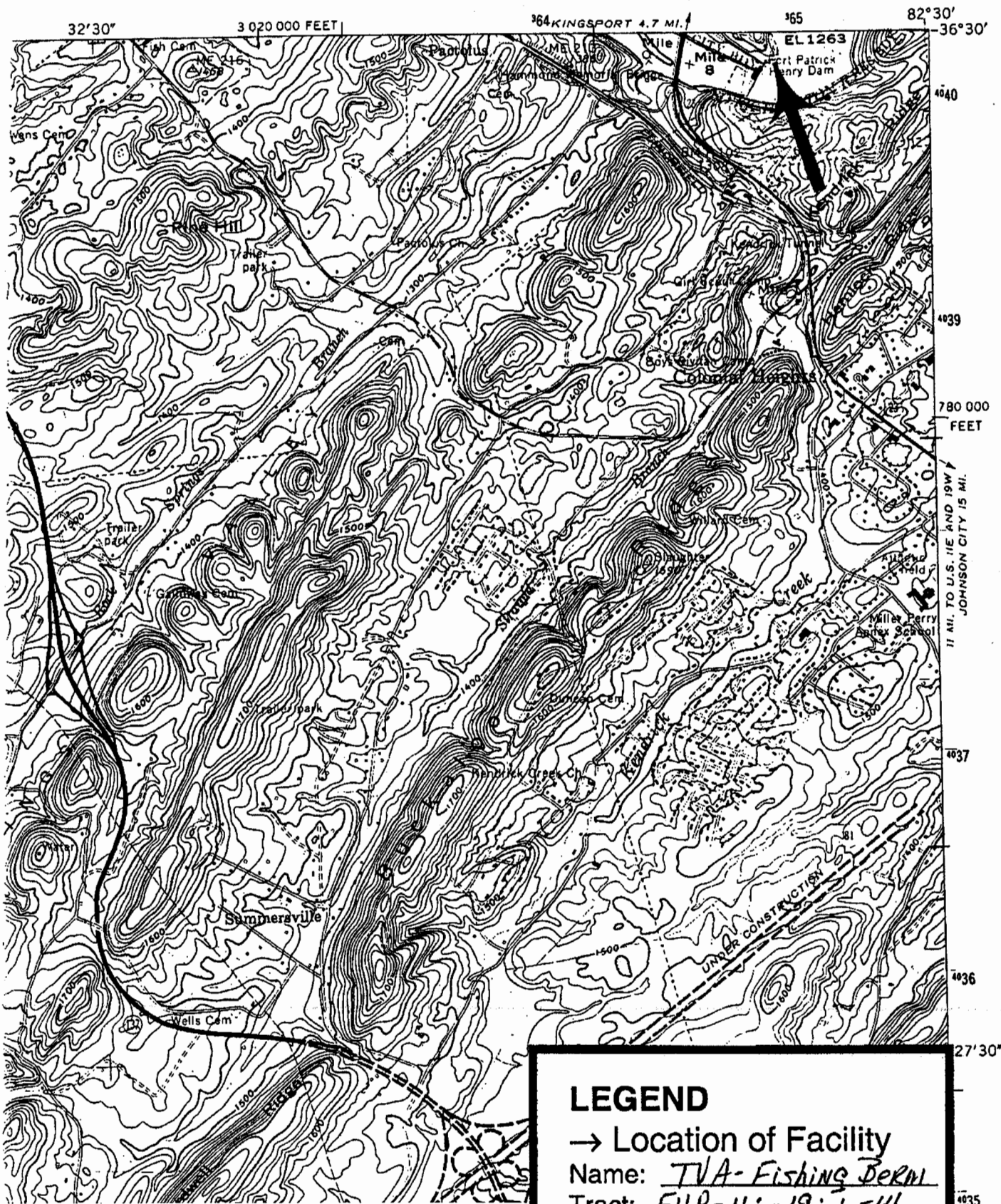
Water quality certification from the State of Tennessee is required in accordance with Section 401(a)(1) of the Clean Water Act. Other federal, state, and/or local approvals may also be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **December 2, 2004** will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Ms. Deborah T. Tuck, at the above address, telephone (615) 369-7518. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of their records. However, please direct any questions relative to the TVA 26a permit to Ms. Konnie Lewis, telephone (423) 239-2013. Please direct any questions relative to the §401 Water Quality Certification to Mr. Dan Eagar, Tennessee Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.

TENNESSEE
7.5 MINUTE SERIES (TOPOGRAPHIC) 189-NE

INDIAN



LEGEND

→ Location of Facility

Name: TVA-Fishing BERM

Tract: FHR-11'-19'; + -14

River Mile: 8.2R S.F. Holston

Quad: 189NE

PN 04-77
FN #2003-00950
TVA, FT. PATRICK HENRY LAKE
SULLIVAN GARDENS, TN QUAD

8' -> 1'

BERM

2' ESTIMATED

ELEV. ABOVE FULL NORMAL (1962)

